

VSWMRs Amendment 7 Operations / Compliance, cont'd

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More on Solid Waste Compliance ..

- Crosswalk guidance document
- Facility Performance Standards & Am 7
- Special Wastes & Am 7
- Disclosure Statements – FAQs updated,
new form DISC-03 for quarterly updates
- DEQ SW Compliance Inspection Manual –
responding to LFG exceedances

Amendment 7 Companion Guidance Documents

- 01-2011 – New operations manual requirements
- 02-2011 – Crosswalk Comparison
(9VAC20-80 versus 9VAC20-81)
- 03-2011 – Changes to the composting provisions
- 04-2011 – Question and Answer
- 05-2011 – Changes to solid waste definition and
beneficial use provisions

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Crosswalk

9VAC20-80 versus 9VAC20-81

Previous Section and Title	New Section and Title
Part V	Part III
9VAC20-80-240 - General	9VAC20-81-100 – General
9VAC20-80-250.A – Sanitary siting	9VAC20-81-120 – Siting requirements
9VAC20-80-250.B – Sanitary design	9VAC20-81-130 – Design and construction requirements
9VAC20-80-250.C – Sanitary operation	9VAC20-81-140 – Operation requirements

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VSWMRs Amendment 7 Facility Standards

Part III – Landfills

9VAC20-81-100 to -260

Part IV – Other SWM Facilities

9VAC20-81-300 to -360



Part III Solid Waste Disposal Facility Standards for Sanitary Landfills, Construction/Demolition/Debris (CDD) Landfills, and Industrial Waste Landfills

- 9VAC20-81-100. General
- 9VAC20-81-110. Applicability
- 9VAC20-81-120. Siting requirements
- 9VAC20-81-130. Design and construction requirements
- 9VAC20-81-140. Operation requirements
- 9VAC20-81-160. Closure requirements
- 9VAC20-81-170. Postclosure care requirements
- 9VAC20-81-200. Control of decomposition gases
- 9VAC20-81-210. Leachate control
- 9VAC20-81-250. Groundwater monitoring program
- 9VAC20-81-260. Corrective action program



Part III SW Disposal Facility Standards for Landfills

9VAC20-81-140. Operation requirements

- 81-140.A Performance Standards (17) – apply to all
- 81-140.B Sanitary LFs – Add'l requirements
- 81-140.C CDD LFs – Add'l requirements
- 81-140.D Industrial LFs – Add'l requirements

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Part III SW Disposal Facility Standards for Landfills

9VAC20-81-140.A Operational performance standards

- Safety program
- GW monitoring
- Corrective action
- Open burning
- Gas management plan
- Discharge to waters
- Run on/Run-off control
- Attendant on duty
- Fencing / litter control
- Odor & vector control
- Salvaging
- Dust / roads
- Maintenance
- Equipment
- Self-inspection
- Records

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Open Burning / Fire Control Performance Std

9VAC20-81-140.A.4

- a. Comply with Clean Air Act
- b. Infrequent burning / exceptions
- c. Extinguish any fires... have a fire control plan ... attached to the emergency contingency plan ... available for review

No open burning permitted on areas where solid waste has been disposed or is being used for active disposal.

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Leachate / Discharge to Waters Perf Stds

9VAC20-81-140.A.6

6. Landfills shall not:

- a. Allow leachate from the landfill to drain or discharge into surface waters except when treated onsite and discharged into surface water as authorized under a VPDES Permit (9VAC25-31).
- b. Cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act including VPDES requirements
- c. Cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of a water quality management plan
- d. Allow solid waste to be deposited in or to enter any surface waters or groundwaters.

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Leachate Control

9VAC20-81-210

Some minor design changes 80-290 to 81-210

NEW SECTION:

9VAC20-81-210.F. Leachate seeps



- Repair of seeps required
- Take immediate action to minimize, control, or eliminate the seep
- Protect public health and safety
- Collect and dispose of any leachate released outside the permitted lined area.

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Litter Performance Standard

Sanitary, CDD, & Industrial



Chapter 80

9VAC20-81-140.A.9

- 9VAC20-80-250.C.13.a Housekeeping. Litter and blowing paper shall be confined to refuse holding and operating areas by fencing or other suitable control means.
- CDD – similar
- Industrial – not mentioned

Operation Requirements

9. Fencing or other suitable control means shall be used to control litter migration. All litter blown from the landfill operations shall be **collected on a weekly basis.**

Document -- Document!

Litter – Other SWM facilities

Have *design standards* (9VAC20-81-330),
but do **not** have the same *weekly requirement* to collect litter.



Equipment Performance Std

9VAC20-81-140.A.15

- Adequate numbers & types
 - Properly maintained
 - Backup within 24 hours
 - Sufficient trained operators
 - ~~DELETED: Equipment and operators provided with the necessary training unless they ensure that the site is managed with a high degree of safety and effectiveness.~~
- Are you meeting acceptable compaction & cover requirements?**

Self-Inspection Performance Std 9VAC20-81-140.A.16



Monthly inspection frequency specified:

- erosion and sediment controls,
 - storm water conveyance system,
 - leachate collection system,
 - safety and emergency equipment,
 - internal roads, and
 - operating equipment.
-
- groundwater and gas management systems
 - *consistent with the system's monitoring frequency*



Records must be maintained & available for review.

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Self Inspections – *Other SWM facilities*

- Required to have an Inspection Plan
(9VAC20-81-485.B.2)
- Required to maintain record of self-inspections
(9VAC20-81-350)
- **Frequency not prescribed**
 - Plan establishes schedule
 - Rate of malfunction, etc
 - Probability of an adverse incident



Additional Requirements

- 81-140.B Sanitary Landfills
- 81-140.C CDD Landfills
- 81-140.D Industrial Landfills

- Compaction and cover requirements
- Working face size
- Unauthorized waste
- CFC/HFC disposal

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Mowing Requirements

Sanitary, CDD, & Industrial

CURRENTLY (Chapter 80):

- **Sanitary**
2 x per year
- **CDD & Industrial** – not mentioned

9VAC20-81-140.B.1.f
9VAC20-81-140.C.1.e
9VAC20-81-140.D.1.f

Mowing will be conducted a minimum of **once a year** or at a frequency suitable for the vegetation and climate.

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Sanitary LF - Additional Requirements

Compaction and Cover**9VAC20-81-140.B.1.e.(1)**

e. Final cover construction will be initiated and maintained ... when ...

- (1) An additional lift of solid waste is not to be applied within one year, *or a longer period as required by the facility's phased development.*

[-140.C.1.d = same ; -140.D.1.e = 2 years]

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Additional Requirements

Sanitary LF shall not dispose of**9VAC20-81-140.B.4****9VAC20-80-250.C.17**

- Free liquids
- HW
- >1ppb dioxin
- >50 ppm PCB
- Unstabilized sewage sludge
- Pesticide containers
- Drums
- Contaminated soil

- Free liquids

- HW

- >1ppb dioxin

- >

- S

- C

- R

- F
- from white goods



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"Unstabilized" Sludges

9VAC20-80-250.C.17 Sanitary landfills may not receive

e. **Unstabilized** sewage sludge as defined by the Department of Health or sludges that have not been dewatered.

- What is "**unstabilized**"?
- VDH could not tell us what it meant.
- Amendment 7 removes the "**stabilized**" condition

➤ **9VAC20-81-140.B.4.e. Landfills may not accept sludges that are **not dewatered**.**

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Sanitary & CDD Landfills ...

9VAC20-81-140.B.5 & -C.2

CFC/HFC disposal



Chloroflourocarbons, hydrochlorofluorocarbons, and PCBs must be removed from white goods prior to placement on the working face.

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CDD Landfills shall also ...

9VAC20-81-140.C.1.b

Compaction and cover requirements.

b. Compacted soil cover shall be applied as needed for safety and aesthetic purposes. A minimum one-foot thick progressive cover shall be maintained **weekly** such that the top of the lift is fully covered at the end of the work week.



If the landfill accepts **Category I or II nonfriable asbestos** containing material for disposal, daily soil cover shall be placed upon all exposed Category I or II nonfriable asbestos containing material prior to the end of each operating day.

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CDD Landfills shall also ...

9VAC20-81-140.C.1.d

C.1.d Final cover construction will be initiated ... when:

(1) An additional lift of solid waste is not to be applied within **one year**



9VAC20-80: 6 Months

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CDD Landfills shall also ...

9VAC20-81-140.C.1.f

- **C.1.f** Areas where waste has been disposed that have not received waste within 30 days will not have slopes exceeding the final cover slopes specified in the permit or 33%.



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Questions



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Special Wastes

9VAC20-81-610 to -660



Asbestos ACM & RACM

9VAC20-81-620

.... according to 40 CFR Part 61, Subpart M, as amended, which is hereby incorporated.

=> *8 pages reduced to <1 by referencing Federal Code.*

Wastes containing PCBs

9VAC20-81-630

.... Several definitions in 20-80-650 deleted:

- PCB bulk product waste,
- PCB contaminated electrical equipment
- PCB remediation waste

Am7 references 40 CFR 761.3.

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White Goods

9VAC20-80-690.

Appliances and other white goods may be accumulated at a facility **for not more than 60 days** prior to salvage or disposal. An alternate schedule may be approved.



9VAC20-81-650.

Appliances and other white goods may be accumulated at a facility so long as **75% of the materials accumulated are removed from the facility annually.**

Restrictions for the disposal of white goods can be found in 9VAC20-81-140.

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Petroleum contaminated soil

9VAC20-81-660.A - Applicability

- Expands PCS to include sediment, soil, earthen materials, adsorbants, & dredge spoils, contaminated by petroleum.
- Applies to **management** + disposal
- If HW out-of-state, not acceptable for **treatment, storage**, or disposal

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Petroleum contaminated soil

9VAC20-81-660.B Testing

- Note analytical methods
- Decreased sampling frequency from one per 100 cy to **250 cy**
- Over 2500 cy, sampling rates may be adjusted (*previously, "large amounts"*)

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Petroleum contaminated soil

9VAC20-81-660.C Required Info

- In addition to previous requirements, Generator must submit **POTENTIAL OPTIONS FOR DISPOSAL**, i.e.
 - disposal as HW
 - disposal as special waste
 - beneficial re-use
 - use as ADC



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Petroleum contaminated soil

9VAC20-81-660.D Disposal Criteria

- Allows disposal of PCS with TPH <500 ppm and BTEX <10 ppm in **ANY** landfill with liner and leachate collection system
- **Subsection E. Exemptions**
<20 cy (and not HW) "qualifies"



(previously, "may be considered")

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Liquids, Batteries, & Drums

Liquids – covered under Sanitary LF waste disposal restrictions:

9VAC20-80-660 => 9VAC20-81-140.B.4

Lead Acid Batteries – covered under Prohibitions:

9VAC20-80-710 => 9VAC20-81-40.E

Drums – Not in Amendment 7

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CRT Prohibition Added

9VAC20-81-40. Prohibitions. F. Any locality may, *by ordinance*, prohibit the disposal of **cathode ray tubes (CRTs)** in any waste to energy or solid waste disposal facility within its jurisdiction **if it has implemented a CRT recycling program that meets the requirements of § 10.1-1425.26 of the Code of Virginia.**

Requirement: Locality must implement a recycling program that is capable of handling all cathode ray tubes generated within its jurisdiction.



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Questions



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Disclosure Statements

HAZARDOUS WASTE MANAGEMENT FACILITY PERMIT APPLICANTS
DISCLOSURE STATEMENT

COVER SHEET FORM DISC-03

Applicant: _____

Facility Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: () _____

Applicant's Location (Select one):

☐ Onsite

☐ Offsite

☐ Other (specify): _____

State before the name of all key personnel is defined in VAC 20-60-10. A negative (DS) Form DISC-03 must be completed for each individual, corporation, or entity listed.

Key Personnel	Page	Key Personnel	Page
1.		13.	
2.		14.	
3.		15.	
4.		16.	
5.		17.	
6.		18.	
7.		19.	
8.		20.	
9.		21.	
10.		22.	
11.		23.	
12.		24.	

DISC Form DISC-03

Page 1 of ...

- Quarterly Updates
- New Form DISC-03
- Updated FAQs on the DEQ website



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Disclosure Statements

- Submitted with Notice of Intent
- Form DISC-01
 - Lists key personnel
 - Other reg agencies, permits, licenses
 - Equity interests
- Form DISC-02
 - Each Key Personnel – experience, licenses, NOVs, enforcement actions, criminal convictions ...
 - **Note: SSN not required**

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Disclosure Statements

§ 10.1-1408.1.

C.3. Every applicant shall **update** its disclosure statement **quarterly** to indicate any **change** of condition that renders any portion of the disclosure statement **materially incomplete or inaccurate**.

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Form DISC-03 WHY ?

NEW

**SOLID WASTE MANAGEMENT FACILITY
PERMIT APPLICANT'S
DISCLOSURE STATEMENT**

QUARTERLY UPDATE - DEQ FORM DISC-03

Virginia Waste Management Act (§ 10.1-1400.1) requires permitted solid waste facilities to update their Disclosure Statement quarterly to indicate any change of conditions that render any portion of their Disclosure Statement materially incomplete or inaccurate.

Form DISC-03 may be used to verify the DDQ of a change in Key Personnel, and in the case of a new Key Personnel, must be accompanied by a completed Form DISC-01 for that individual.

Form DISC-03 may also be used to report facility or individual changes in information previously submitted on Form DISC-01 or DISC-02, such as a notice of violation, administrative order, license or permit change, enforcement action, or conviction, per the definition of "Disclosure Statement" in § 10.1-1400.

Note: If there are no changes to report, a Quarterly Update is not required and should not be submitted to the DEQ.

Facility Name: _____

Permit Number: _____

Decision Address: _____

City: _____ State: _____ Zip: _____

Date: _____ Submitted by: _____

KEY PERSONNEL UPDATE

The following change in Key Personnel has occurred at the above named facility:
Effective (date) _____

When adding a Key Personnel to the list previously submitted on DISC-01, attach a completed form DISC-02 for that individual.

- Meet intent of statute
- Clarify quarterly update requirements
- Efficient means for facilities to submit & DEQ to receive Disc Stmt updates

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DISC STMT quarterly updates

If no changes to report, a quarterly update is **not required**

Submit only if material change to permits, licenses, and regulatory responsibility, or to report any enforcement action, conviction, or other action

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What are “material changes”?

- 1) change in key personnel
- 2) new, suspended, or revoked permit or license
- 3) change in regulatory responsibility
- 4) change in equity interest
- 5) enforcement action, criminal conviction

(Ref § 10.1-1400 of the Code of Virginia)

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What are **NOT** “material changes”?

- 1) alleged violation that is resolved without enforcement action
- 2) renewal of an existing WMFO license

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How to report updates ...

**SOLID WASTE MANAGEMENT FACILITY
PERMIT APPLICANT'S
DISCLOSURE STATEMENT**

QUARTERLY UPDATE - DEQ FORM DISC-03

Virginia Waste Management Act (§ 10.1-1400.1) requires permitted solid waste facilities to update their Disclosure Statement quarterly to indicate any change of conditions that render any portion of their Disclosure Statement materially incomplete or inaccurate.

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Note: If there are no changes to report, a Quarterly Update is not required and should not be submitted to the DEQ.

Facility Name: _____

Permit Number: _____

Division Address: _____

City: _____ State: _____ Zip: _____

Date Submitted by: _____


KEY PERSONNEL UPDATE

The following change in Key Personnel has occurred at the above named facility:

Effective (date) _____

NEW

When adding a Key Personnel to the list previously submitted on DISC-01, attach a completed form DISC-02 for that individual.

- Complete DISC-01 or DISC-02 to replace those on file, *and/or*
- Use  Form DISC-03
- Submit to Regional Office

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Guidelines for using DISC-03

- 1) To report that a **key personnel is no longer employed at facility**: Use Form **DISC-03** (section labeled "Key Personnel Update") indicating the change and effective date.

KEY PERSONNEL UPDATE

The following change in Key Personnel has occurred at the above named facility:

Effective (date) _____

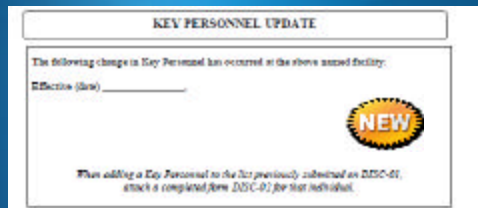
NEW

When adding a Key Personnel to the list previously submitted on DISC-01, attach a completed form DISC-02 for that individual.

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Guidelines for using DISC-03

- 2) *To **add a key personnel** to the list previously submitted on DISC-01: Use Form **DISC-03** (section labeled "Key Personnel Update") and attach a complete **DISC-02** for that individual, covering a 10-year history.*

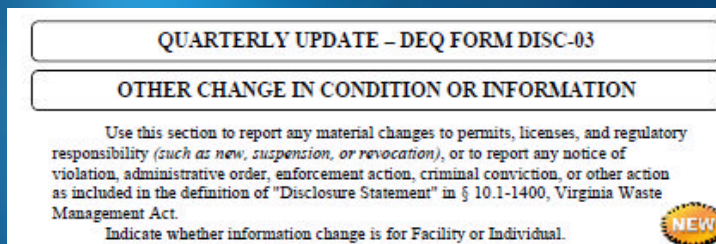


+ DISC-02

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Guidelines for using DISC-03

- 3) *To **report a material change** such as a new permit, a license suspension, or an enforcement action: Use Form **DISC-03** and indicate whether the information change is for the facility or for an individual key personnel.*



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Disclosure Statements

- Submitted with Notice of Intent
- Form DISC-01
 - Lists key personnel
 - Other reg agencies, permits, licenses
 - Equity interests
- Form DISC-02
 - Each Key Personnel – experience, licenses, NOV's, **enforcement actions**, criminal convictions ...
 - No SSN

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WMFO = Key Personnel ?

Key Personnel

Managerial capacity

Empowered to make discretionary decisions

Excludes employees / operators **exclusively** engaged in the physical or mechanical collection, transportation, treatment, storage, or disposal of solid waste.

Therefore, WMFO **not necessarily** Key Pers.

Depends on job position and responsibilities

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Key Personnel = WMFO ?

Virginia Waste Management Act §10.1-1408.2 requires that all solid waste management facilities operate under the **direct supervision** of a licensed WMFO.

Therefore, at least one person listed as Key Personnel must be a licensed WMFO.

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Questions



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SW Compliance Inspection Manual



- Quality Management Plan for SW Compliance
- Provides guidance for DEQ compliance inspectors
- Promote uniformity and consistency among DEQ Regional Offices
- Available on DEQ website "Land Protection and Revitalization" homepage and Townhall

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Control of Decomposition Gases

9VAC20-81-200



- Attachments 10-1 & 10-2
- Flowchart & guidance for responding to methane gas exceedances

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SW Compliance Inspection Manual Classifying & addressing non-compliance

Violation Level	1 st Occurrence of Violation	1 st Consecutive Unaddressed Violation	2 nd Consecutive Unaddressed Violation
Severity I	Deficiency Letter	Warning Letter	NOV
Severity II	Warning Letter	NOV	NOV
Severity III	NOV	NOV	NOV

SEVERITY LEVEL = Based on potential harm or adverse effect
(Level 1 = LOW; Level 2 = SIGNIFICANT; Level 3 = SUBSTANTIAL)

Progressive DEQ Response:

Deficiency Letter, Warning Letter, Notice of Violation

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Control of Decomposition Gases

9VAC20-81-200

Requirements:

- Operators must **develop a gas management plan**
- **Quarterly monitoring** to detect the presence of LFG at boundary and in facility structures
- When LFG levels > **action levels** (80% LEL) => notify DEQ
- When LFG levels > **compliance levels** (100% LEL) => **Severity Level 2 violation**, facility must implement GRP

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Control of Decomposition Gases

9VAC20-81-200

Problem:

- GRP may take several months to develop and implement
- DEQ may conduct several inspections over the same period
- If enforcement matrix strictly applied => multiple NOV's while facility implementing GRP and bringing LFG levels into compliance

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Control of Decomposition Gases

9VAC20-81-200

DEQ GUIDANCE:

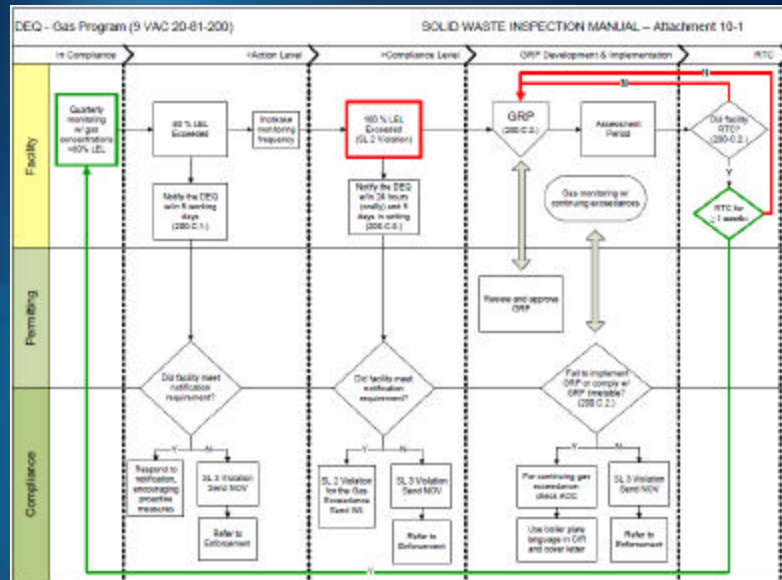
Specifically developed to address on-going gas exceedances while the facility is implementing its gas remediation plan in a timely fashion.

SW Compliance Program Inspection Manual
Attachments 10-1 & 10-2

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SW Inspection Manual Attachment 10-1

Responding to Alleged Violations of 9VAC20-81-200



Responding to Alleged Violations of 9VAC20-81-200 (Control of LFG)

- When **Action Level** (80% LEL) exceeded
 - Facility => Notify DEQ
 - DEQ => Encourage proactive measures
- FAILURE TO NOTIFY = Severity Level 3 violation
=> Notice Of Violation

Responding to Alleged Violations of 9VAC20-81-200 (Control of LFG)

- When **Compliance Level** (100% LEL) exceeded
 - Facility => Notify DEQ + implement your plan
 - DEQ => Issue **Warning Letter** for Severity Level 2 violation
- FAILURE TO NOTIFY = Severity Level 3 violation
=> Notice Of Violation

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Responding to Alleged Violations of 9VAC20-81-200 (Control of LFG)

- Implementation / Assessment Period:
 - LFG may continue to exceed compliance levels
 - DEQ inspector notes as an **"Area of Concern"**
- Failure to implement or comply with GRP timetable
=> Severity Level 3 violation = **NOV**

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Area of Concern

- Reminder to resolve the issue
- No formal action by inspector or facility
- Reassessed during next inspection



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NOV → Enforcement

- NOV acts as referral to DEQ Enforcement
- Issuance of consent order
- Includes formal action or Judicial decree
- Formal Hearings

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Responding to Alleged Violations of

9VAC20-81-200 (Control of LFG)

- **DEQ focus:** whether the responsible party is **adequately addressing** issues in accordance with the VSWMR and in a **timely manner**

Key point: Notify DEQ & communicate with your compliance inspector!

Key point !

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Control of Decomposition Gases

9VAC20-81-200.C.5

Gas remediation / Notification change
in Amendment 7:



The facility shall notify the department of an **initial** exceedance of the compliance level or unusual condition which may endanger human health and the environment, in accordance with ...

Take Note!

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Control of Decomposition Gases

9VAC20-81-200.C.5

REPORT ALL EXCEEDANCES !

- 24 hrs verbal, 5-days written
- Email OK
- Email within 24 hours – *you're done!*

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Questions



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Questions or Comments

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